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March 17, 2020

Via ECF

Hon. Alison J. Nathan
United States District Court, Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 906
New York, New York 10007

Re: *Braulio Thorne v. Chipotle Mexican Grill, Inc.*
Case No. 19-cv-9867 (AJN)

Dear Judge Nathan:

This firm, along with the law firm Martenson, Hasbrouck, & Simon LLP, represents Defendant Chipotle Mexican Grill, Inc. in the above-referenced action. We write jointly with Plaintiff's counsel to respectfully request a stay of this matter pending the resolution of the motion to dismiss pending before this Court in *Victor Lopez v. Kahala Restaurants, L.L.C.*, Case No. 19-cv-10077.

Mr. Thorne asserts identical claims in his lawsuit against Chipotle as those asserted by Mr. Lopez in his lawsuit against Kahala Restaurants, LLC. Briefly, both plaintiffs brought claims under the Americans with Disabilities Act ("ADA") related to the lack of Braille on gift cards. The defendant in *Lopez* moved to dismiss the Complaint, and that matter is almost fully briefed before the Court. Your Honor's decision on the motion to dismiss in *Lopez* could have an impact on this instant matter. Staying this case pending resolution of the motion to dismiss in *Lopez* is in the interest of judicial economy and will help conserve both the Court's and the parties' time and resources.

Similar stays were recently granted on the same grounds by Judge Woods in *Calcano v. Domino's Pizza, Inc.*, Case No. 1:19-cv-09823-GHW (S.D.N.Y.) (ECF No. 24) and *Delacruz v. Jamba Juice*, Case No. 1:19-cv-10321-GHW (S.D.N.Y.) (ECF No. 20), and by Judge Abrams in *Delacruz v. Five Below, Inc.*, Case No. 1:19-cv-10294-RA (S.D.N.Y.) (ECF No. 16). (See enclosures.)

The parties further stipulate Defendant will have thirty (30) days from the date of the Court's order on Kahala Restaurants, LLC's motion to dismiss to file its responsive pleading to Mr. Thorne's complaint. Additionally, the parties stipulate and request that the Court schedule the pre-trial conference after its order on Kahala Restaurants, LLC's motion to dismiss.



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In the alternative, if this Court is not inclined to stay this matter, Defendant respectfully requests a thirty (30) day extension of time from the date of this Court's determination on this letter motion to answer, move, or otherwise respond to the Complaint. This would be the third request for an extension of time. This Court has granted the parties' first two requests. Currently, Defendant's response to the Complaint is due on March 25, 2020. The parties would also request that the pre-trial conference, currently scheduled for April 21, 2020, be adjourned thirty (30) days from the date Defendant must file a response to the Complaint. Plaintiff consents to these proposed extensions, and the requested extensions will not prejudice any party to this action.

In conclusion, the parties respectfully request that the Court stay this instant matter pending the Court's determination on the motion to dismiss brought by the defendant in *Lopez v. Kahala Restaurants, L.L.C.*, or in the alternative, that Defendant be granted a thirty (30) day extension of time to answer, move, or otherwise respond to the Complaint, and adjourn the pre-trial conference an additional thirty (30) days from when Defendant's responsive pleading is due.

We appreciate Your Honor's consideration of this request, and thank the Court for its time and attention to this matter.

Respectfully yours,

s/ Riyaz G. Bhimani

Riyaz G. Bhimani

Enclosures

cc: Jeffrey Gottlieb, Esq., Gottlieb & Associates, Plaintiff's Counsel (By ECF)
Betsy Bulat Turner, Esq.,* Martenson, Hasbrouck, & Simon LLP (by e-mail)
Michelle Patroni, Esq.,* Martenson, Hasbrouck, & Simon LLP (by e-mail)

* *pro hac vice* motion forthcoming

The parties request is granted, and this case is hereby stayed pending the resolution of the motion to dismiss in *Lopez v. Kahala Restaurants*, No. 19-cv-10077. Defendant shall respond to the Complaint within 14 days of the Court's decision on the motion to dismiss in *Lopez*.
All deadlines and conferences are hereby adjourned sine die.
SO ORDERED.

A handwritten signature in black ink, appearing to read "Alison J. Nathan".

03/20/20